

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

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Bob Holden, Governor • Stephen M. Mahfood, Director

Date: December 22, 2003

To: Regional Office Directors

From: Larry P. Coen, Staff Director, LRP (*original signed by Larry P. Coen*)

Subject: Mining Information for Regional Offices

A month or so ago, questions came up in the Enforcement Committee meetings about the Land Reclamation Program authority at mine sites. In particular, many programs especially the Regional Offices were not clear on what is or is not regulated under Missouri mining laws. As a result of that discussion, I have committed to develop some information to help the Regional Offices become more familiar with our program role regarding mining in Missouri.

Attached is a narrative explanation of the program authority at mine sites entitled "Land Reclamation Program – What We Regulate". This should help answer some questions that may arise related to various mine sites and mineral commodities in Missouri.

Also, for each Regional Office, we have produced a regional map showing each of the permitted mine sites color coded by the type of mineral commodity. As you have need please feel free to ask for specific information about any site of interest. We can also create access for any Regional Office to our mining database for your reference as well.

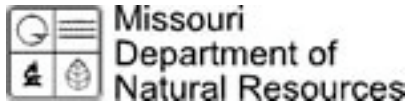
Thanks to Kris Ricketts for help in editing this document, and I hope that you will find it useful.

Thanks.

Attachments

C: Kris Ricketts, WPSCD
Dan Schuette, ALPD

Integrity and excellence in all we do



**Land Reclamation Program
What Do We Regulate?
A Briefing for Regional Offices**

Program Web Page

<http://www.dnr.state.mo.us/alpd/lrp/home/lrp.htm>

Program Authorization

Metallic Minerals Waste Management Act (Metallic Minerals Permitting, Inspection and Enforcement)

- RSMo 444.350 through 444.380

Land Reclamation Act (Industrial Mineral Permitting, Inspection and Enforcement)

- RSMo 444.760 through 444.790

Surface Coal Mining Law (Coal Permitting, Inspection and Enforcement)

- RSMo 444.500 through 444.755 (Strip Mining Law, "Old Coal Law")
- RSMo 444.800 through 444.970 (Surface Coal Mining Law, "New Coal Law")

The Land Reclamation Commission

The Land Reclamation Commission regulates surface mining for coal and industrial minerals. The commission also administers the reclamation of coal mine lands that have been abandoned prior to the passage of the federal Surface Mining Control and Reclamation Law (August 3, 1977). The seven-member commission includes four public members appointed by the Governor plus the Director of the Water Pollution Control Program, the State Geologist, and the Director of the Department of Conservation.

The Land Reclamation Program

The primary responsibility and mandate of the program is reclamation of mined lands. While we inspect and enforce the mining laws during operation, the real goal is final reclamation after the mining is complete. The program implements the authority of the Commission as commission staff. The program has most contact with regional offices when members of the public object to a mining permit. In these cases the program must investigate the proposed permit or permit expansion and check for compliance with any environmental law, especially air and water issues. We will quite often ask for regional staff with air or water responsibilities to jointly investigate these issues at contested sites.

For mine sites under permit, the program is responsible for enforcing reclamation provisions of the mining laws. All of the Missouri mining laws require the post-mining restoration of land. This includes coal mining, industrial minerals mining and metallic minerals mining. Field personnel enforce the provisions of each permit through inspections. While the program continues to perform this task for industrial and metallic minerals, OSM performs this task for

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coal mines. Each of the three mining laws differs in their applicability. See the individual references below.

Metallic Minerals

The Land Reclamation Program implements the Metallic Minerals Waste Management Act (lead, iron, zinc, copper, gold and silver) for the department. The program's involvement in metallic minerals relates to permitting, inspecting and enforcement of the metallic mineral waste product from the mining and primary smelting operations. This law does not regulate the active mining operations, but only the placement and reclamation of mining waste.

Regulatory Applicability:

Our regulatory activities include the handling of materials such as waste rock, topsoil, vegetation on the areas of waste storage, but does not include any of the areas associated with the metals mining areas such as vertical shafts, shop areas or smelters. Environmental issues include erosion by wind or water, sedimentation of materials off the permit, affecting ground not under permit, and groundwater issues. There are no prescribed inspection frequencies, but the program inspectors make at least annual inspections and conduct a five year review of the permit documents.

Metallic Minerals Topics of Current Interest:

- Financial Assurance – Doe Run currently provides reclamation assurance by way of a corporate letter of guarantee. This will not be adequate in case of bankruptcy.
- Closure Plans – As lead mines cease operations, the waste management areas must have an approved closure plan on file to permanently stabilize these tailings storage areas.

Industrial Minerals

The LRP regulates the permitting, inspection, enforcement and reclamation of all industrial minerals mining activities. The most common industrial minerals are limestone, clay and sand and gravel. Lesser known industrial minerals are barite, tar sands, shale, oil shales, sand, granite, and trap rock. Industrial minerals specifically do not include coal, lead, iron, silver copper or other metals as these are covered in other laws described below.

Nearly every quarry must obtain air and water permits as well as a mining permit. Our inspectors will observe and refer issues related to air and water to the appropriate region staff. Mining permits do not allow water borne sedimentation to leave the permit area, even if the operator owns more land than is under mining permit. Dust emissions from the mining site are not so specifically regulated, unless dust crosses a property line.

Regulatory Applicability:

Our regulatory activities include the handling of materials such as waste rock, topsoil or vegetation, but do not include processing areas, the stockpiles of saleable products and the ground where they are stored. Environmental issues include erosion by wind or water, sedimentation of materials off the permit and affecting ground not under permit, but does not include blasting, noise or truck traffic. There are no prescribed inspection frequencies, but the program inspectors make at least bi-annual inspections and review permit documents annually.

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Industrial Minerals Topics of Current Interest:

- Sand and Gravel – Rules for stream protection, legislation to provide greater exemption for landowners.
- Development vs. Mining – Some developers sell rock off a construction development site. When is this considered mining, and when is it just development?
- Public Meetings and Hearings – Every commission meeting contains one or more public challenges to new quarry mining permits.

Sand and Gravel

This issue is actually a subset of Industrial Minerals, but is such a high profile issue that we are discussing it separately. While these commodities are regulated under the same laws as quarries, the applicability is substantially different. This mining consists largely of skimming materials off of gravel bars, so there is not usually a pit left at the site. As such there are no reclamation requirements if no other damage to the site occurs. The program worked with stakeholders for the last few years to develop stream protection standards into rules, which are being published with the State Records Center in December of 2003. Every stakeholder who attended the May 2003 meeting indicated to the Land Reclamation Commission that they could live with the stream protection standards that were negotiated at the end of the process.

Sand and Gravel Topics of Current Interest:

Last year the legislature proposed legislation that would have given greater exemptions to private landowners and local governments. Landowners are only exempt currently if they use gravel on their own land. They would like to be able to sell some gravel under a new exemption. Currently local governments are exempt only if they use their own personnel and equipment to extract gravel. They would like to be able to hire contractors under a new exemption.

Coal Mines

The coal law contains requirements to ensure all coal exploration and active coal surface mining operations are planned and operated in a manner that will not be detrimental to public health, safety, or cause environmental pollution. In fiscal year 2004, the Missouri Legislature reduced coal funding and staffing substantially and the program lost 12 FTE positions. The federal Office of Surface Mining is now implementing the regulatory portion of the coal program. Missouri continues to implement reclamation at bond forfeiture and abandoned mine lands sites. While the coal laws are still in force, again the program does not have the funding or staffing sufficient to implement many of these requirements.

Regulatory Applicability:

Our regulatory activities include the handling of materials such as waste rock, topsoil, and vegetation. In the case of coal mining the processing areas, the stockpiles of saleable products and the ground where they are stored receive even greater regulatory protection due to the toxic nature of coal and its byproducts. Environmental issues include erosion by wind or water, sedimentation of materials off the permit and affecting ground not under permit, and also includes blasting and truck traffic. The law prescribes monthly inspection, and a five year review of the permit documents.

Coal Mining Topics of Current Interest:

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- Loss of Regulatory Authority – It is uncertain whether Missouri will be able to recover the regulatory authority to regulate coal mining. If not, the federal government will regulate existing and new mines, but no one will reclaim old mine sites.

Bond Forfeiture

The LRP Bond Forfeiture Unit oversees reclamation at mine sites where permits have been revoked. Normally a reclamation bond will be collected in this type of case and those monies are then used by the program to hire contractors to perform final reclamation of the site. This primarily relates to coal mining, but also includes a few industrial minerals sites. Since most bond forfeitures are related to coal mining, this is largely a subset of the coal law.

Bond Forfeiture Topics of Current Interest:

- Surety Reclamation in Lieu of Forfeiture – Many sureties prefer to perform reclamation for the mining company in lieu of surrendering the reclamation bond value to the state.
- State Designs and Contracts – Where reclamation bonds have been surrendered, the program must assess, design and implement a final reclamation plan for mining sites.

Abandoned Mine Lands

The Reclamation Section utilizes federal funds to reclaim pre-law coal mine lands. Since coal fees fund this activity, it is actually a subset of the coal law. The staff develop federal grant applications for reclamation projects, supervise engineering and technical contracts for the reclamation design, conduct field investigations to facilitate developing in-house designs, and supervise construction activities. While funds from previous years are available for this activity in FY04, Missouri will receive no further federal funds for this work until Missouri once again implements an adequate coal regulatory program.

Abandoned Mine Lands Topics of Current Interest:

- Future Funding of the Program – As noted above funding for this program will cease unless the coal regulatory program can be restored.
- Lead Mine Shafts – Hundreds of abandoned lead mine shafts, particularly in southwest Missouri, are left open and dangerous. This program is able to reclaim a few of these each year with coal AML funding. This will cease without future funding.